



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	May 24, 2006
EXPIRATION DATE:	June 22, 2006
REFERENCE NUMBER:	POA-1983-225-Q
WATERWAY:	Tongass Narrows

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: C Pilots, LLC, Mr. Karl Luck, 108 Huckleberry Street, Ketchikan, AK 99901

AGENT: PND Engineers, Inc., Mr. Chris Gianotti, 3220 Hospital Drive, Suite 200, Juneau, AK 99801, (903) 586-2093.

LOCATION: The proposed project is within section 24, T. 75 S., R. 90 E., Copper River Meridian; Latitude 55.3470° N., Longitude 131.6634° W.; Lot 2, Block 6A, Tideland's Addition to USS 1378; 1621 Tongass Avenue, Ketchikan, Alaska.

PURPOSE: The purpose of the proposed action is to arrest erosion beneath an existing pile-supported building and parking lot. The purpose of the new float system is to accommodate improved access and operation of floatplanes and charter boat operators. The longer gangway would improve access by decreasing the slope between the floats and adjacent upland, particularly at low tide.

WORK: The proposed work would entail the discharge of 160 cubic yards (cy) of clean shot rock, concrete blocks, and geotextile fabric for the construction of a 116.5-foot long by 7.5-foot high retaining wall on the landward side of an existing pile-supported building. The fill is proposed below High Tide Line [(HTL) 19.4' relative to mean lower low water (MLLW) datum elevation 0.0], but above Mean High Water [(MHW), 14.4' relative to MLLW datum elevation 0.0] of Tongass Narrows. The work would also entail the following project elements below MHW: removing an existing 3-pile dolphin; removing an existing 2-pile frame; installing a new 3-pile dolphin; relocating an existing 12-foot wide by 200-foot long float and perpendicular 18-foot wide by 132-foot long float, secured to the new dolphin; installing three piles and three 6-foot wide by 40-foot long finger docks secured to these piles and to the existing "L" floats; installing two piles, an 18-foot wide by 155-foot long float, and a 6-foot wide by 72-foot long gangway to shore; installing a 10-foot wide by 20-foot long landing float and relocating an existing 6-foot wide by 50-foot long gangway relocated to connect this float to shore.

ADDITIONAL INFORMATION: The work is proposed to be undertaken in three phases, as follows:

Phase I - Beginning as early as October 2006, approximately 4-6 months duration.

- Construct retaining wall
- Remove existing 3-pile dolphin
- Install 2 piles
- Install 18-foot wide by 155-foot long float
- Install 6-foot wide by 72-foot long gangway

Beginning as early as October 2007, approximately 4-6 months duration.

- Install 10-foot wide by 20-foot long landing float
- Relocate existing 6-foot wide by 50-foot long gangway

Phase II - Beginning as early as October 2007, approximately 4-6 months duration.

- Remove existing 2-pile frame
- Install three 3-pile dolphins
- Relocate existing 12-foot wide by 200-foot long and perpendicular 18-foot wide by 132-foot long floats

Phase III - Beginning as early as October 2008, approximately 4-6 months duration.

- Install 3 piles
- Install three 6-foot wide by 40-foot long finger floats

On August 17, 1983, a Department of the Army (DA) authorization (071-OYD-2-830225, Tongass Narrows 396) was issued to Tongass Associates, Ltd., to place approximately 30,000 cy of clean shot rock fill material on a 35-foot by 160-foot area to replace existing deteriorating floats with fill for an office and retail building. It also authorized the construction of a 30-foot by 190-foot dock on the face of the fill, a 12-foot by 190-foot float, and a 12-foot by 15-foot float to provide boat or seaplane moorage and access.

The authorization was modified on July 17, 1984, to increase the size of the float to 12 feet by 190 feet. It was again modified on May 17, 1985 (071-OYD-N-830225), to construct 376 lineal feet of wood float varying from 21 feet to 30 feet in width, and to attach a log boom stiffleg secured to piling guides and anchors.

On December 19, 1997, the authorization was transferred to Mr. Karl Luck, C Pilots LLC., and modified (P-830025) to permit the replacement of all previously permitted floats and appurtenant structures with a 12 to 14-foot by 200-foot wood float and an 18-foot by 132-foot wood float (in an "L" configuration), the installation of a 6-foot by 40-foot steel access ramp from the float to shore, and the seasonal placement of a 8-foot by 40-foot wood, raft float, secured by mooring lines to the larger floats.

MITIGATION: No mitigation efforts to reduce impacts to the aquatic environment have been proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) was consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. Several properties were identified in the vicinity of the proposed project area. Several are eligible for the national register, while others are unevaluated. These are identified as follows: KET-00373, 1782 Tongass Avenue (Phillips Rental); KET-00374, 1780 Tongass Avenue (Brown/Phillips Residence); KET-00375, 1766 Tongass Avenue (Phillips Smokehouse/Warehouse, Bray Warehouse); KET-00376, 1756 Tongass Avenue (The Body Shop); KET-00381, 1650A Tongass Avenue (Silver Lining Bunkhouse); KET-00382, 1516 Tongass Avenue (Ward Rental); and KET-00383, 1426 Tongass Avenue (Don King's Plumbing, '49er Bar and Steak House). Other Euro-American structures are identified further away along Tongass Avenue, on First Avenue, and on Water Street.

Because all of these properties are determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with State Historic Preservation Officer SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally-recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Tongass Narrows is within the known or historic range of the Steller sea lion (*Eumetopias jubatus*) (eastern stock) and the endangered humpback whale (*Megaptera novaeangliae*). The project is not identified as designated or proposed critical habitat for any listed species. There are no Steller sea lion rookeries or haul out areas near the project site. The project area has been extensively developed for commercial and industrial use, and there is no undisturbed suitable habitat for the Steller sea lion or for the humpback whale. Consequently, it has been determined that the proposed activity would not affect any listed or proposed threatened or endangered species, or their designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated

federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate Essential Fish Habitat (EFH) area as identified by the National Marine Fisheries Service (NMFS). Tongass Narrows in the vicinity of the proposed project is identified as EFH for a number of species of groundfish and salmon. We have determined that the proposed activity may adversely affect approximately 0.10 acre of EFH for juvenile and adult salmon and groundfish during construction and as a result of shade created by the proposed structure. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at robin.l.leighty@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

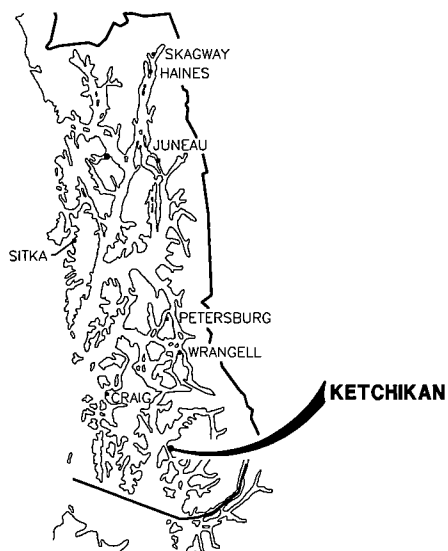
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



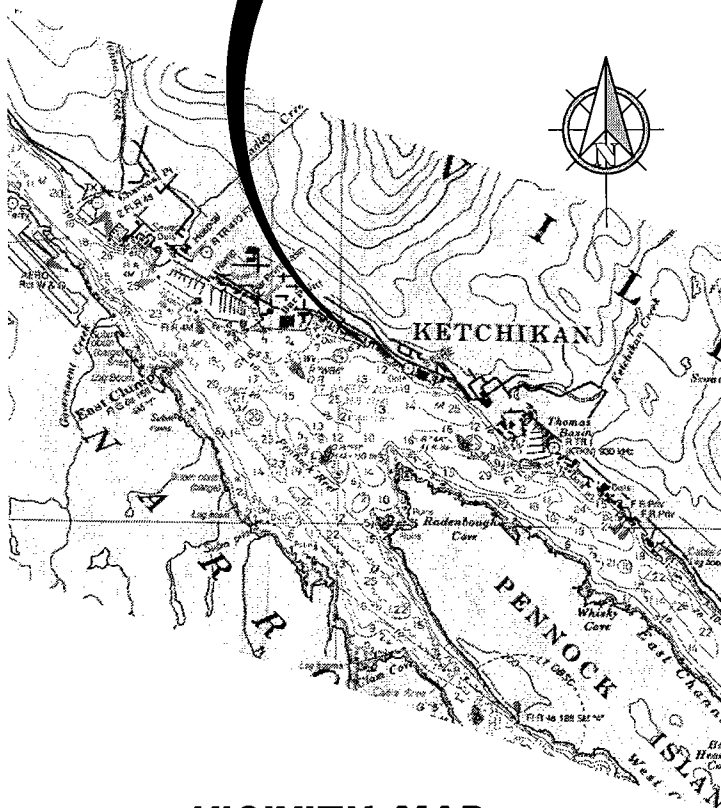
**LOCATION
MAP**



**SOUTHEAST
ALASKA**

**PROJECT
LOCATION**

LOT 2, BLOCK 6A,
TIDELANDS ADDITION TO USS 1378;
1621 TONGASS AVENUE



VICINITY MAP

SCALE IN FEET
0 5,000 10,000

FROM NOAA
CHART 17428

POA-1983-225-Q, Tongass Narrows 396

PURPOSE:

IMPROVE AND EXPAND EXISTING MARINE FACILITIES

**WEST FLIGHT BUILDING MARINE
IMPROVEMENTS**

IN: TONGASS NARROWS

NEAR:

AT: KETCHIKAN, ALASKA

APPLICATION BY: C PILOTS, LLC

DATE: MAY, 2006

SHEET 1 OF 6

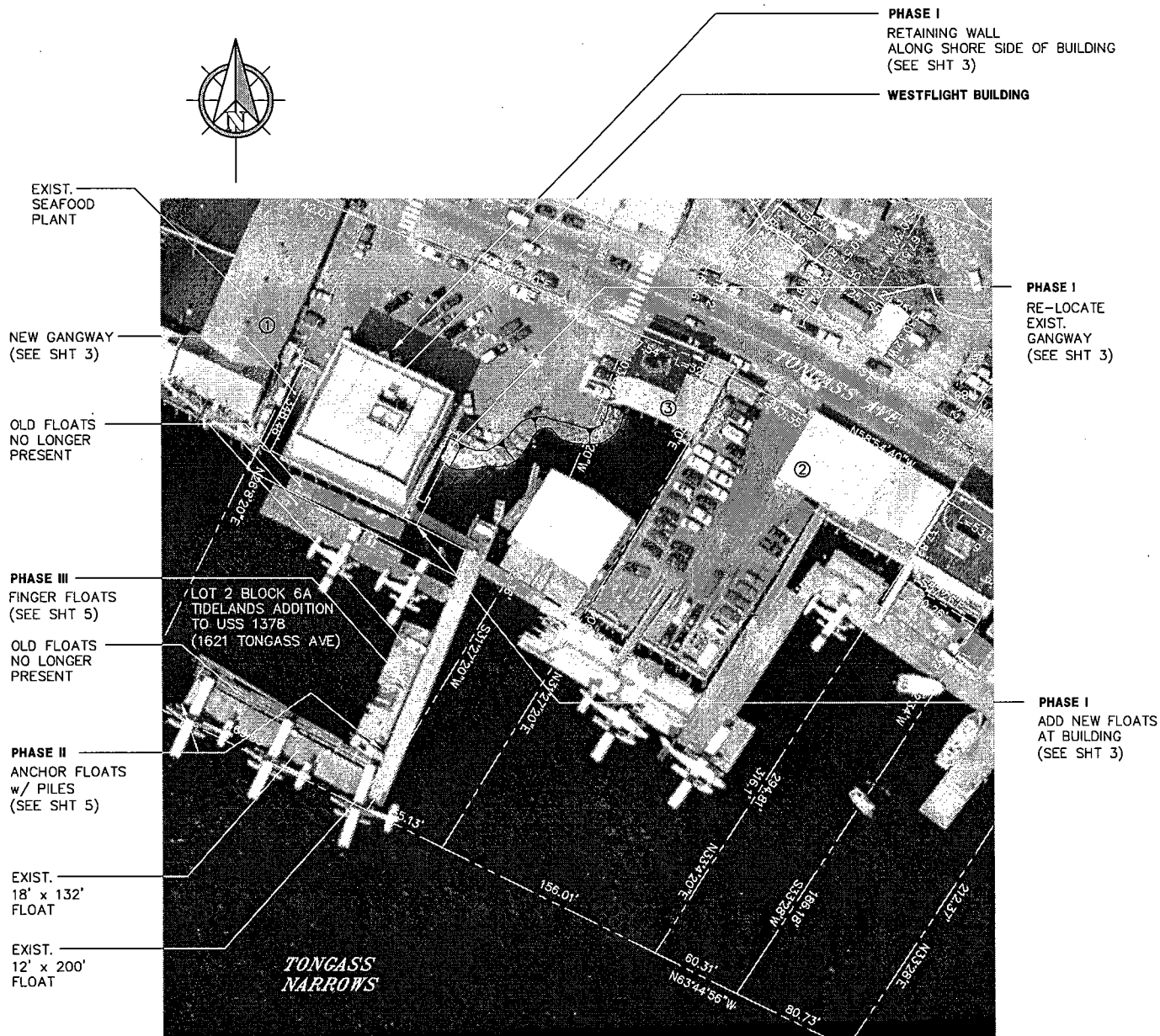
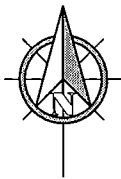
APPLICANT ADDRESS:

C PILOTS, LLC
108 HUCKLEBERRY STREET
KETCHIKAN, ALASKA 99901

PND#: 052078.02

HTL = 19.4'
MHW = 14.4'
MLLW = 0.0'

DATUM: MLLW = 0.0 ft



NOTE:

1. AIR PHOTO COURTESY OF CITY OF KETCHIKAN.
2. PROPERTY LINE LOCATIONS APPROXIMATE.

POA-1983-225-Q, Tongass Narrows 396

PURPOSE:

IMPROVE AND EXPAND EXISTING MARINE FACILITIES

ADJACENT PROPERTY:

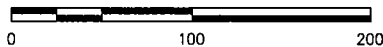
- ① NORQUEST SEAFOODS
- ② PROMECH AIR
- ③ KEVIN HACK, PIRATE AIRWORKS

HTL = 19.4'
MHW = 14.4'
MLLW = 0.0'

DATUM: MLLW = 0.0 ft

SITE PLAN

SCALE IN FEET



APPLICANT ADDRESS:
C PILOTS, LLC
108 HUCKLEBERRY STREET
KETCHIKAN, ALASKA 99901

PND#: 052078.02

WEST FLIGHT BUILDING MARINE IMPROVEMENTS

IN: TONGASS NARROWS

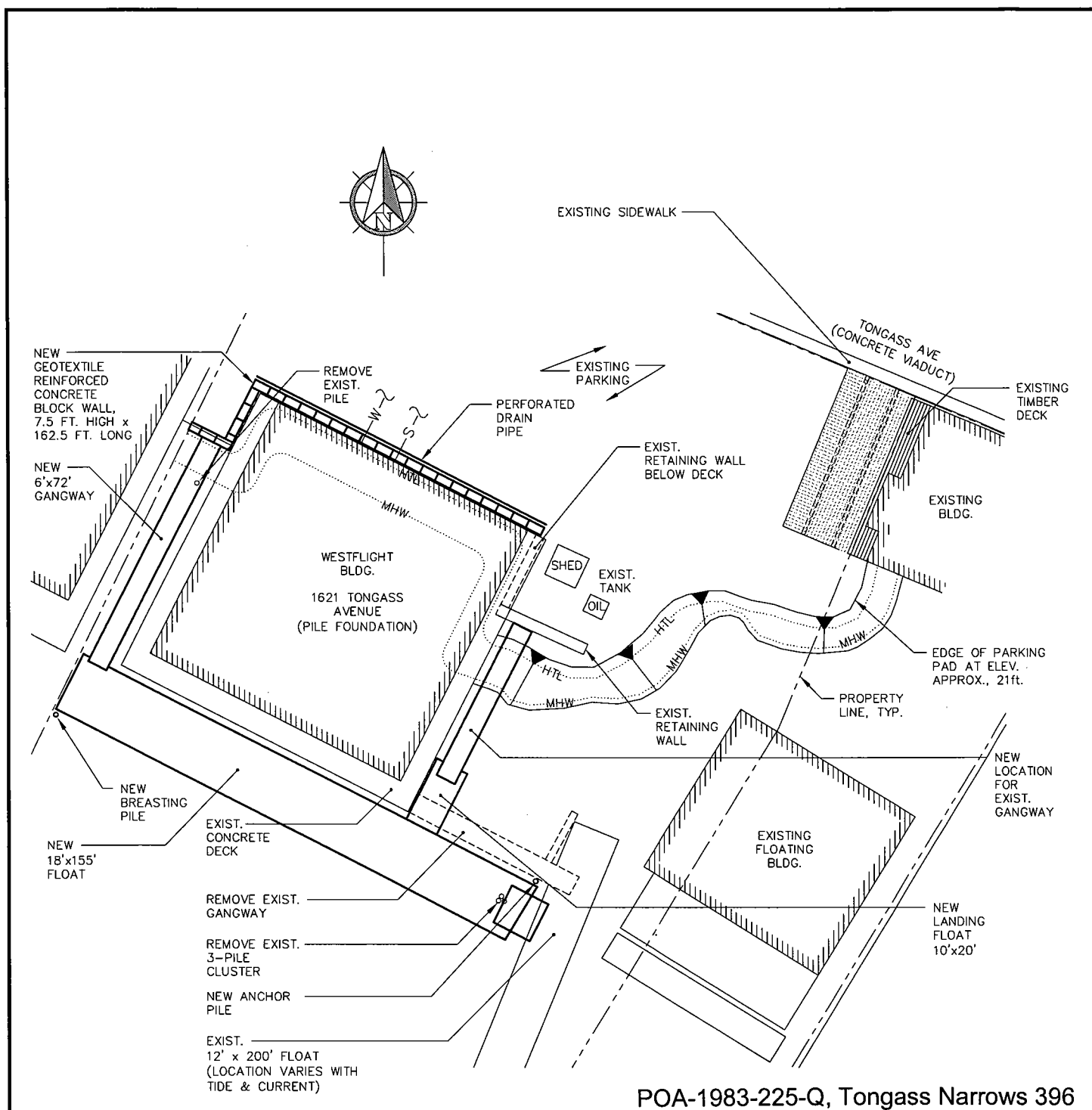
NEAR:

AT: KETCHIKAN, ALASKA

APPLICATION BY: C PILOTS, LLC

DATE: MAY, 2006

SHEET 2 OF 6



PURPOSE:

IMPROVE AND EXPAND EXISTING MARINE FACILITIES

PHASE I SITE PLAN NEW GANGWAY & RETAINING WALL

SCALE IN FEET

0 40 80

APPLICANT ADDRESS:

C PILOTS, LLC
108 HUCKLEBERRY STREET
KETCHIKAN, ALASKA 99901

PND#: 052078.02

WEST FLIGHT BUILDING MARINE IMPROVEMENTS

IN: TONGASS NARROWS

NEAR:

AT: KETCHIKAN, ALASKA

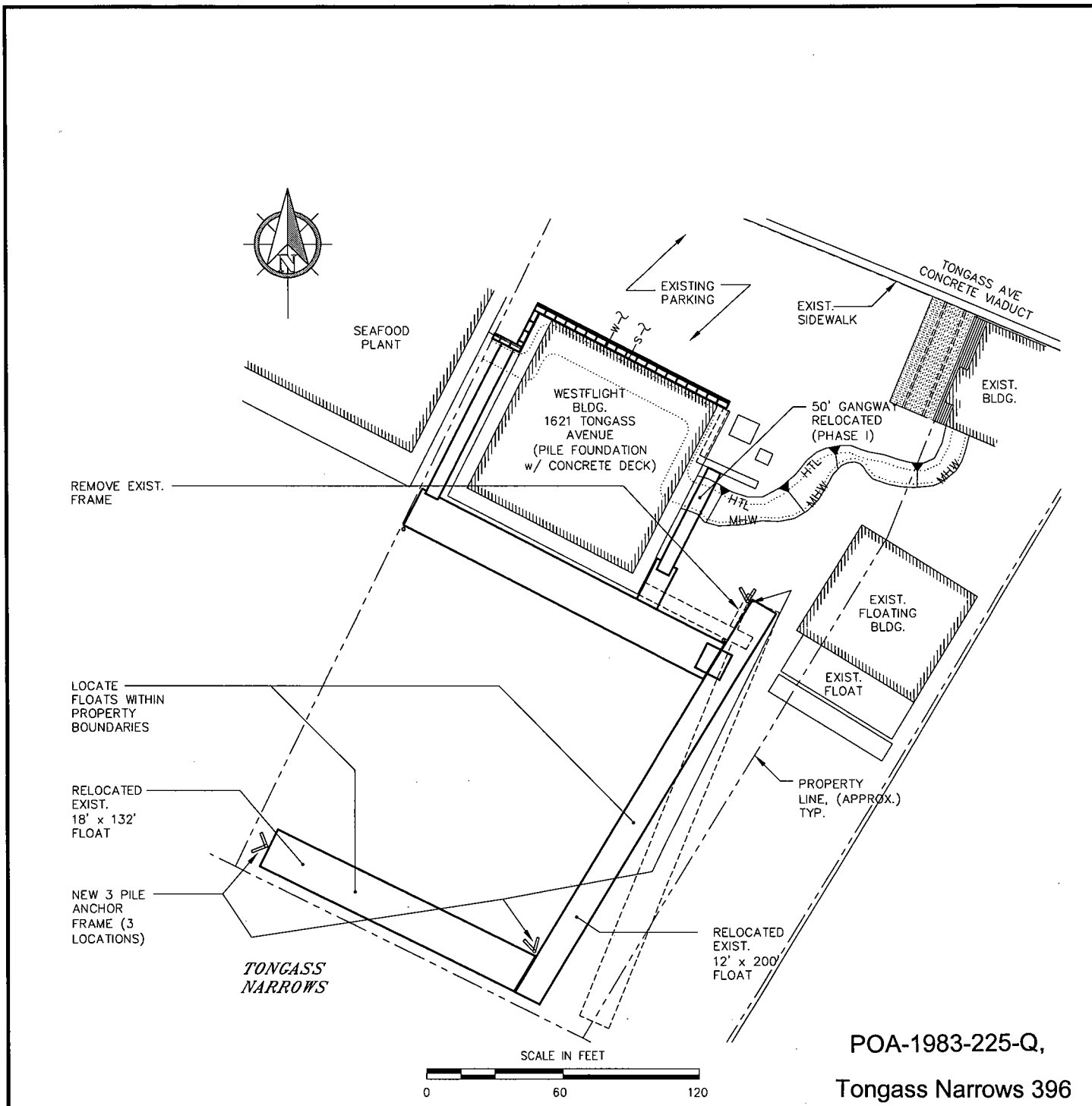
APPLICATION BY: C PILOTS, LLC

DATE: MAY, 2006

SHEET 3 OF 6

DATUM: MLLW = 0.0 ft

HTL = 19.4'
MHW = 14.4'
MLLW = 0.0'



POA-1983-225-Q,
Tongass Narrows 396

PURPOSE:
IMPROVE AND EXPAND EXISTING MARINE FACILITIES

DATUM: MLLW = 0.0 ft

HTL = 19.4'
MHW = 14.4'
MLLW = 0.0'

**PHASE II SITE PLAN
ANCHOR FLOATS w/
PILES**

APPLICANT ADDRESS:
C PILOTS, LLC
108 HUCKLEBERRY STREET
KETCHIKAN, ALASKA 99901

PND#: 052078.02

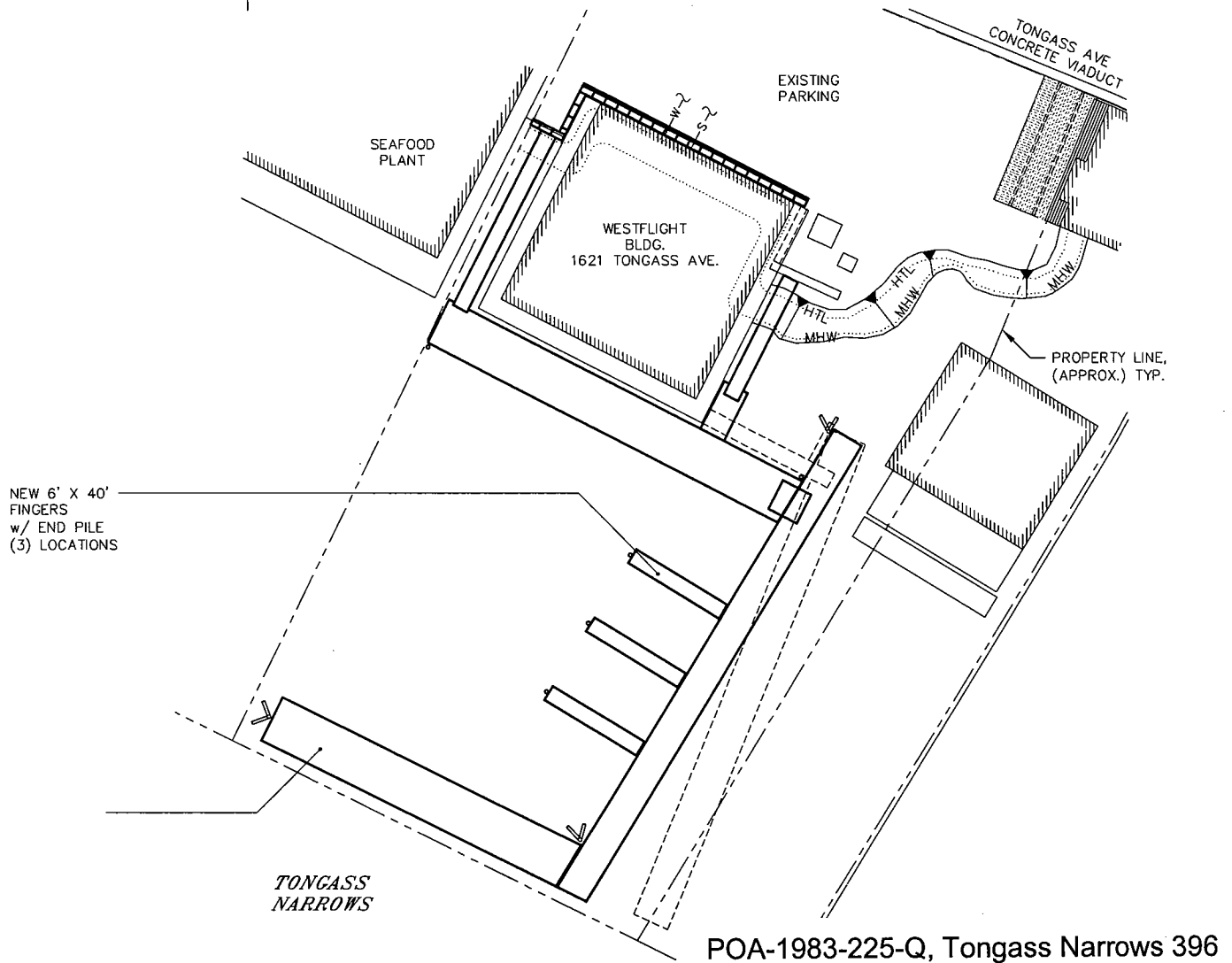
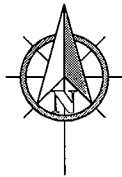
**WEST FLIGHT BUILDING MARINE
IMPROVEMENTS**

IN: TONGASS NARROWS
NEAR:
AT: KETCHIKAN, ALASKA

APPLICATION BY: C PILOTS, LLC

DATE: MAY, 2006

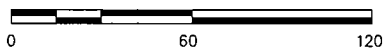
SHEET 4 OF 6



PURPOSE:
IMPROVE AND EXPAND EXISTING MARINE FACILITIES

PHASE III SITE PLAN NEW FLOATS

SCALE IN FEET



APPLICANT ADDRESS:
C PILOTS, LLC
108 HUCKLEBERRY STREET
KETCHIKAN, ALASKA 99901

PND#: 052078.02

WEST FLIGHT BUILDING MARINE IMPROVEMENTS

IN: TONGASS NARROWS

NEAR:

AT: KETCHIKAN, ALASKA

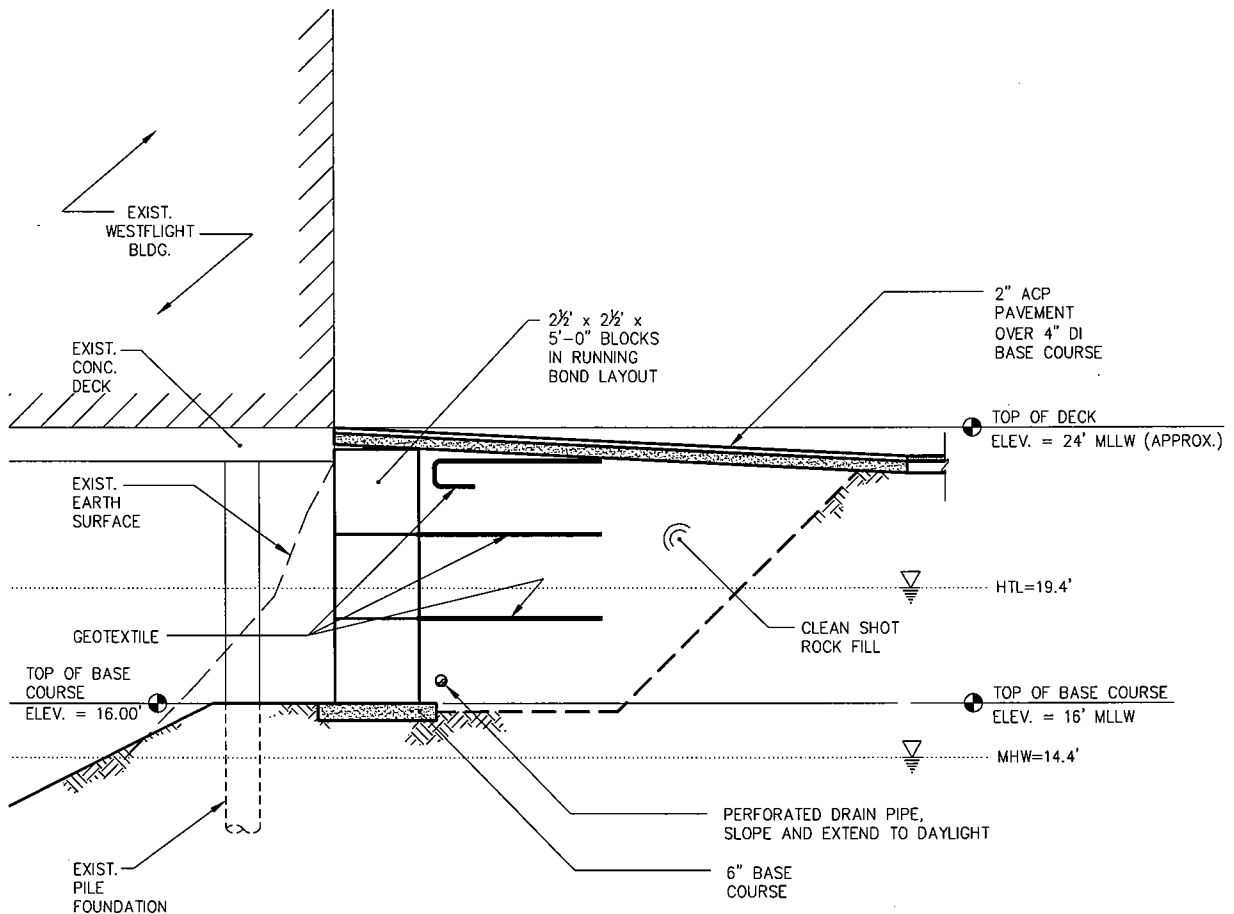
APPLICATION BY: C PILOTS, LLC

DATE: MAY, 2006

SHEET 5 OF 6

DATUM: MLLW = 0.0 ft

HTL = 19.4'
MHW = 14.4'
MLLW = 0.0'



ESTIMATED EXCAVATION BELOW HTL = 200 cy
ESTIMATED FILL BELOW HTL = 160 cy

A
6

TYPICAL SECTION

POA-1983-225-Q, Tongass Narrows 396

PURPOSE:

IMPROVE AND EXPAND EXISTING MARINE FACILITIES

WALL SECTION

APPLICANT ADDRESS:

C PILOTS, LLC
108 HUCKLEBERRY STREET
KETCHIKAN, ALASKA 99901

WEST FLIGHT BUILDING MARINE IMPROVEMENTS

IN: TONGASS NARROWS

NEAR:

AT: KETCHIKAN, ALASKA

APPLICATION BY: C PILOTS, LLC

DATE: MAY, 2006

SHEET 6 OF 6

DATUM: MLLW = 0.0 ft

HTL = 19.4'
MHW = 14.4'
MLLW = 0.0'

PND#: 052078.02

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.: **POA-2006-1983-225-Q, Tongass Narrows**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No.: **POA-2006-1983-225-Q, Tongass Narrows**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274